

REMARKS

Prior to entry of the instant amendment, claims 1-22 are pending in the subject application. Claims 1 and 21 are independent.

Applicants request, in the next Office action, that the Examiner indicate the acceptability of the drawings filed on October 15, 2003.

Claims 1-22 are presented to the Examiner for further prosecution on the merits.

A. Introduction

In the outstanding Office action, mailed January 19, 2006, the Examiner indicated that FIGS. 4A-4F have been accepted for examination purposes only, and required that a petition be filed under 37 C.F.R. § 1.84(a)(2), so as to permit their use as acceptable drawings; rejected claims 1, 2, 15 and 17-20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,216,183 to Larsson ("the Larsson reference"); and rejected claims 3-14, 16, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the Larsson reference in view of U.S. Patent No. 6,554,880 to Northcutt ("the Northcutt reference").

B. "Color" Drawings

In the outstanding Office action, the Examiner asserted that FIGS. 4A-4F are color photographs, and accepted the drawings for examination purposes only unless a petition under 37 C.F.R. § 1.84(a)(2) is granted permitting their use as acceptable drawings. Applicants respectfully traverse this requirement.

Applicants respectfully note that the Examiner has previously raised this issue in the March 10, 2005 Office action, and applicants responded to it in the response filed on April 22, 2005, over one year ago. In particular, applicants note that the drawings in question are black and white photographs, not color photographs. Accordingly, 37

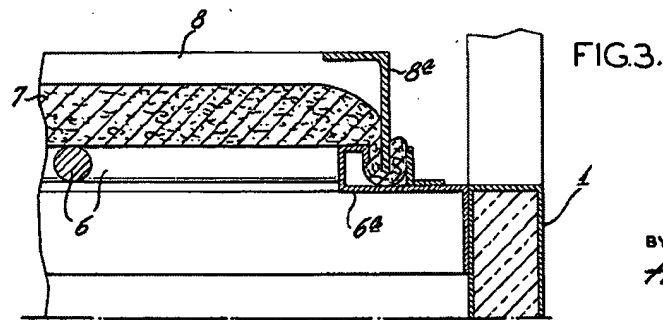
C.F.R. § 1.84(a)(2) is inapposite. Applicants respectfully refer the Examiner to 37 C.F.R. § 1.84(b)(1), which pertains to the inclusion of black and white photographs in a patent application. Applicants respectfully submit that the photographs used in FIGS. 4A-4F are the most practical medium for illustrating the limitations of the prior art, because the photographs depict actual damage that has occurred to prior art filter assemblies. Accordingly, applicants respectfully request that the Examiner withdraw this requirement for a petition under 37 C.F.R. § 1.84(a)(2).

C. Asserted Anticipation Rejection of Claims 1, 2, 15 and 17-20

In the outstanding Office action, the Examiner rejected claims 1, 2, 15 and 17-20 under 35 U.S.C. § 102(b) as being anticipated by the Larsson reference. Applicants respectfully traverse this rejection, and submit that the Examiner failed to set forth a *prima facie* case of anticipation with respect to claim 1 for at least the reason that the Larsson reference fails to disclose, or even suggest, each and every element of claim 1.

As noted above, claim 1 recites “a protection part . . . the protection part being spaced a predetermined distance away from the filter.” In the outstanding Office action, the Examiner asserted that grating 6 of the Larsson reference corresponds to the “protection part” of claim 1 and filter mat 7 corresponds to the “filter” of claim 1. The Examiner further asserted that the grating 6 is “spaced a predetermined distance away from the filter (7) to protect the filter from damage (see details of Fig. 3).” *Office action of Jan. 19, 2006, at page 3.* However, contrary to the Examiner’s assertion, applicants respectfully submit that grating 6 is *not separated* from the filter 7.

FIG. 3 of the Larsson reference is reproduced below:



Referring to FIG. 3 of the Larsson reference, applicants respectfully submit that the grating 6, which the Examiner equates to the “protection part” recited in claim 1, is *not* separated from the filter 7 by a predetermined distance. Rather, it is shown to be in direct contact with the filter 7. Accordingly, applicants respectfully submit that the Larsson reference fails to disclose “the protection part being spaced a predetermined distance away from the filter,” as recited in claim 1.

Additionally, applicants note that claim 1 recites that the protection part has “a plurality of minute holes.” However, applicants respectfully submit that the grating 6 disclosed in the Larsson reference does not have “a plurality of minute holes.” In particular, applicants note that the Larsson reference describes a typical filter having a length of 0.5 meters. The Larsson reference, col. 1, line 25. The grating 6 illustrated in FIGS. 1-3 of the Larsson reference is roughly the same dimension as the filter, and is depicted as having five lengthwise segments and 12 widthwise segments, which define a 3x11 grid of rectangular openings. Therefore, each opening is approximately one-eleventh of 0.5 meters, or 4.5 centimeters (11.5 inches) in the short dimension. Applicants respectfully submit that these openings cannot be construed to be “minute openings” as recited in claim 1. Therefore, applicants respectfully submit that the Larsson reference fails to disclose the “minute openings” recited in claim 1.

For at least the reasons set forth above, applicants respectfully submit that claim 1 is allowable over the cited prior art. The remaining rejected claims, viz., claims 2, 15 and 17-20, depend from claim 1 and are believed to be similarly allowable. Accordingly, applicants respectfully request that this rejection be reconsidered and withdrawn.

D. Asserted Obviousness Rejection of Claims 3-14, 16, 21 and 22

In the outstanding Office action, the Examiner rejected claims 3-14, 16, 21 and 22 under 35 U.S.C. § 103(a) as being unpatentable over the Larsson reference in view of the Northcutt reference. Applicants respectfully traverse this rejection.

Claims 3-14 depend from claim 1. As noted above, claim 1 is believed to be allowable over the Larsson reference under 35 U.S.C. § 102(b). Further, applicants respectfully submit that the Northcutt reference fails to provide the teachings noted above as missing from the Larsson reference. Accordingly, applicants respectfully submit that the Examiner failed to set forth a *prima facie* case of obviousness with respect to claims 3-14.

Additionally, independent claim 21 is believed to be allowable over the combination of the Larsson and Northcutt references. Claim 21 recites, *inter alia*, that “the air filter protection part is spaced apart from the air filter.” However, the proposed combination of the Larsson and Northcutt references fails to disclose, or even suggest, this aspect of claim 21, for the reasons set forth above regarding claim 1. Accordingly, claim 21 is believed to be allowable over the cited combination of prior art references. Finally, as claim 22 depends from claim 21, it is believed to be similarly allowable. Therefore, applicants respectfully request that this rejection be reconsidered and withdrawn.

E. Conclusion

If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all pending claims is hereby requested.

Respectfully submitted,

LEE & MORSE, P.C.

Date: April 14, 2006


Eugene M. Lee, Reg. No. 32,039

LEE & MORSE, P.C.
1101 WILSON BOULEVARD, SUITE 2000
ARLINGTON, VA 22209
703.525.0978 TEL
703.525.4265 FAX

PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.